

REMARKS

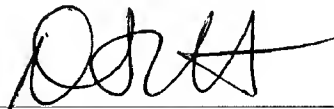
Pursuant to the interview with Examiner DeSanto on June 3, 2009, and in response to potential non-statutory double-patenting rejections discussed during the interview, over Claim 21 of U.S. Application No. 10/597,991 and Claim 17 of U.S. Application No. 10/597,997, Applicant submits the attached Terminal Disclaimer along with the appropriate fees under 37 CFR 120(d).

Applicant submits herewith a Terminal Disclaimer over related U.S. Patent Application Nos. 10/597,991 and 10/597,997. While Applicant does not agree that the claims are not patentably distinct from the mentioned claims of U.S. Patent Applications Nos. 10/597,991 and 10/597,997, the Terminal Disclaimer is being submitted to expedite prosecution and remove any basis for rejection of the claims for obviousness-type double patenting. The filing of a Terminal Disclaimer simply serves the statutory function of removing a basis for rejection for double patenting and raises neither presumption nor estoppel on the merits of such rejection. *Quad Environmental Technologies v. Union Sanitary District*, 20 U.S.P.Q. 2d 1392 (Fed. Cir. 1991).

Respectfully submitted,

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